

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 1056

Introduced by Senator Florez

February 22, 2005

An act to add Section ~~41855.4 to the Health and Safety Code, relating to air pollution.~~ 52007 to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1056, as amended, Florez. ~~Air quality: agricultural burning. Agriculture.~~

Existing law, generally regulates field crops and provides that the Secretary of Food and Agriculture may establish uniform standards for field crop products, as specified.

This bill would state that these provisions of law relating to field crops are of statewide concern and occupy the entire field of regulation regarding registration, labeling, sale, storage, transportation, distribution, notification of use, and use of field crops to the exclusion of local regulations.

~~Existing law prohibits any person from knowingly setting or permitting agricultural burning unless he or she has a valid permit issued by an agency designated by the State Air Resources Board to issue a permit in the area where the burning is to take place. Existing law requires the board to designate public fire protection agencies or other equivalent agencies to issue permits, and to adopt rules and regulations to provide a procedure for the issuance of those permits. Existing law prohibits the issuance of permits to burn certain~~

~~categories of agricultural waste, as defined, within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District, commencing on the date specified for each category.~~

~~This bill would impose a state-mandated local program by requiring the San Joaquin Valley Unified Air Pollution Control District to submit, on or before July 1, 2006, a report to the Legislature regarding the feasibility of adopting concrete and easily administered incentives to accomplish specified objectives.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs maintained by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for specified reasons.~~

~~This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52007 is added to the Food and~~
2 ~~Agricultural Code, to read:~~

3 ~~52007. Except as otherwise specifically provided in this code,~~
4 ~~the provisions of this chapter are of statewide concern and~~
5 ~~occupy the entire field of regulation regarding the registration,~~
6 ~~labeling, sale, storage, transportation, distribution, notification~~
7 ~~of use, and use of field crops to the exclusion of all local~~
8 ~~regulations. Except as otherwise specifically provided in this~~
9 ~~code, no ordinance or regulation of any political subdivision may~~
10 ~~prohibit or in any way attempt to regulate any matter relating to~~
11 ~~the registration, labeling, sale, storage, transportation,~~
12 ~~distribution, notification of use, or use of field crops.~~

13 ~~SECTION 1. Section 41855.4 is added to the Health and~~
14 ~~Safety Code, to read:~~

15 ~~41855.4. (a) It is the intent of the Legislature to accomplish~~
16 ~~all of the following:~~

17 ~~(1) To reduce air pollution and protect the public health in the~~
18 ~~San Joaquin Valley Unified Air Pollution Control District by~~
19 ~~offering new incentives to growers that will avoid open field~~

1 burning, preserve prime agricultural land, and have no effect on
2 the State Budget.

3 (2) To provide assistance to growers in complying with the
4 requirements of Section 41855.5 in a manner that preserves
5 prime agricultural land and avoids the impacts on air quality
6 associated with the industrialization and urbanization of prime
7 agricultural land.

8 (3) To indirectly support the state's need for renewable
9 energy, through biomass conversion by making the incentives
10 earned by growers contingent on the conversion of qualified
11 agricultural biomass to renewable electrical energy produced by
12 a biomass-to-energy facility.

13 (4) To increase the amount of qualified agricultural biomass
14 used as fuel in the district so as to economically displace a
15 portion of the biomass fuel that is hauled long distances from
16 outside the San Joaquin Valley Unified Air Pollution Control
17 District's boundaries from nonagricultural sources, and to
18 diminish the amount of methane and nonmethane volatile organic
19 and greenhouse gas releases associated with land application of
20 biomass waste.

21 (b) The San Joaquin Valley Unified Air Pollution Control
22 District shall, on or before July 1, 2006, report to the Legislature
23 regarding the feasibility of adopting concrete and easily
24 administered incentives to accomplish the objectives set forth in
25 subdivision (a).

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 a local agency or school district has the authority to levy service
29 charges, fees, or assessments sufficient to pay for the program or
30 level of service mandated by this act, within the meaning of
31 Section 17556 of the Government Code.

32 SEC. 3. The Legislature finds and declares that a special
33 statute is necessary and that a general law cannot be made
34 applicable within the meaning of Section 16 of Article IV of the
35 California Constitution because of the unique severity of air
36 pollution within the San Joaquin Valley Unified Air Pollution
37 Control District.